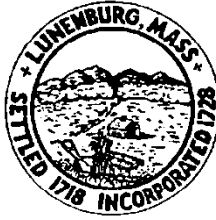


In attendance: Chair Bursch presiding, Mr. Rabbitt, Ken Jones, Carl Luck, Todd Dwyer, Brad Kennedy, Thomas Bertram, Matthew Marro, Agent.

## **Town of Lunenburg Conservation Commission**

Richard Bursch, Chair  
Jack Rabbitt, Vice-Chair  
Brad Kennedy  
Tom Bertram  
Carl Luck  
Todd Dwyer  
Kenneth Jones



Tel: (978) 582-4146  
960 Massachusetts Ave.  
Lunenburg, MA 01462

Wednesday, March 2, 2016, 7:00 PM regular meeting  
Ritter Memorial Building, 960 Massachusetts Avenue  
Lunenburg, MA 01462

### **Minutes**

#### **Call to Order**

**Announcements** none

#### **Public Comment**

**Approval of Minutes** November 18, 2015, December 2, 2015 and January 6, 2016, and Feb 3, 2016

**Appointments/Hearings –commences at 7 PM**

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public meeting on a request for a determination of applicability filed by Christopher Kimball of 55 Cove road for the replacement of a subsurface sewage disposal system within the buffer zone at 55 Cove Road.*

*Civil Solutions represented the applicant. The engineer oriented the commission to the site. The adjustment of the wetland line was noted. Mr. Rabbitt moved to issue an Order of Conditions. MR. Jones seconded and the commission unanimously approved..*

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public hearing on a Notice of Intent filed by Michael and Tammy Lovewell for the replacement of a subsurface sewage disposal system within the buffer zone at 579 Reservoir Road,*

*Christopher Mossman from Trowbridge Engineering represented the applicant and oriented the commission to the site and outlined the work in question. I was noted that there was some minor reclamation work within the 30 foot no touch zone and the shed will be removed from the 50 foot no touch. Commissioner Rabbitt noted that even though there was some minor intrusion into the no touch zone, the remedial work actually shows a gain of green area within the no touch zone and will solve a minor erosion issue. Mr. Kennedy noted the change in elevation of the driveway will also improve the flow of water in direction. Commissioner Luck agreed. He inquired if the new land swap was shown on the plans and it was indicated that it was. Mr. Luck indicated that he would like to make clear that the approval should be made clear as to why we allowed it. Mr. Kennedy noted that there was alteration that would be remediated. Commissioner Jones noted that small projects like this show it on a case by case basis. Chairman Bursch noted that there was an increase in green space by removal of the shed and the remediation of a gravel slope to vegetation and that constituted mitigation overall.*

*Mr. Mossman noted that this was mentioned in the first part of the notice of intent. The Chair asked for staked wattles instead of silt fence. Mr. Marro inquired as to the DEP comment as to the overlay of the flood plain. Mr. Mossman noted that the revised plan indicated it and that there was no work essentially proposed. In order to ensure proper re-advertising the meeting will be continued to March 16, 2016.*

In attendance: Chair Bursch presiding, Mr. Rabbitt ,Ken Jones, Carl Luck, Todd Dwyer, Brad Kennedy, Thomas Bertram, Matthew Marro, Agent.

#### **Current Business**

1. **CONTINUED PUBLIC HEARING: UNITIL- 357 ELECTRIC AVE, NOTICE OF INTENT- Counsel for until reviewed the changes to address the commissions concerns from the prior meeting**
  - **CHANGING OF ALARM LEVEL**
  - **GRASS STRIP NOW 3 TO 6 INCHES**
  - **GRASS STRIP LANGUAGE IN THE OPERATION PLAN ADDED**
  - **MAINTENANCE PLAN FOR STORMWATER SYSTEM ADDED TIMELINES**

It was noted that the structure details design plan is the only outstanding item with the planning board scheduled for March 14, 2016.

Commissioner Luck inquired about the TSS removal rate being at 55%. He inquired as to why a stormceptor couldn't be added to the site. The attorney noted that this question was also asked at the Planning Board meeting. Counsel noted that the planning board consulting engineer noted that it was designed as adequate. Mark Piermarini explained that a storm captor is not designed for a low impact design. Mr. Luck noted that half of the site goes through the exit line. James Rheault noted that the site is designed to the grass strip and the use of a stormceptor is not compatible with what was designed.

Commissioner Jones noted that the commission should defer to the reviewing engineer and felt that continuing to ask for more is not feasible. Mr. Dwyer expressed that proposal meets all of the requirements and the commission has never been in the habit of asking other applicants to do above and beyond. The Chair expressed a concern that we must be cautious about over reaching in our requests.

Commissioner Rabbitt inquired if the reviewing engineer noted if the revisions were also reviewed by the town consulting engineer. Mr. Rheault outlined

The chair took a poll if the stormceptor was the last remaining issue and the commission agreed. He also polled the member if the members wanted the reviewing engineer to opine on the stormceptor.

Commissioner Luck proposed continuing the hearing with the understanding that the stormceptor is the last remaining issue. Commissioner Luck moved to continue. Commissioner Rabbitt seconded and the commission voted 4 to approve and 2 against the motion.

Chairman Bursch noted that there is other flow

2. **CONTINUED PUBLIC HEARING: HIGH FIELD VILLAGE OFF 961 NORTHFIELD ROAD**
3. **Signatures on documents to be issued.**
4. **Certificate of Compliance**
5. **Enforcement – 189 Howard Street, Arthur and Donna Jacobson, administrative hearing. Both parties were present and recapped the hearing. Commissioner Dwyer noted that there was cleaning that was done on the Jacobsons side and that more work needs to be done. Commissioner Kennedy noted that concrete chunks still need to be removed. Commissioner Dwyer noted that Mr. Marro will be diagraming and photographing the areas of the site . Due to weather constraints the applicant proposed the end of June to complete. Mr Dwyer moved to continue until July. Mr. Jones seconded and the commission voted unanimously.**

101 Pleasant Street, Dan Gardner, Administrative hearing. It was noted as Mr. Gardner was not present that he would be notified to attend the meeting of the 15<sup>th</sup> of March. Fines are now set at 100 dollars per day for violation of article 22 of the general bylaw for clearing of trees and grading in the buffer zone without permission from the commission. This was made by motion of Mr. Kennedy with a second by Mr. Rabbitt and a unanimous vote,

788 Page St – Review of action. – Mr. Marro noted a minor violation of a shed construction in the outer 50 feet of the buffer and has sent a warning letter requesting compliance to the home owner.

In attendance: Chair Bursch presiding, Mr. Rabbitt ,Ken Jones, Carl Luck, Todd Dwyer, Brad Kennedy, Thomas Bertram, Matthew Marro, Agent.

**Old Business**

1. Forest Cutting Plans and updates – Michael Downey from DCR reviewed the forest cutting application for 101 Pleasant street with the commission. He noted that he will not allow a landing on the Pleasant Street side and will not allow any work on the south side where the commission has an enforcement order. He reviewed approval procedures for cutting plans with the commission.
2. Regulations and By-Law – Mr. Marro will have language changes for the next meeting for the commission to review for submission for warrant. The issues under by law to be changed were: 1. RFD to be changed to RDA 2. Remove extension permit restrictions as it is not necessary due to the commission having full discretionary power currently. 3. Add certificates of mailing as an option. 4. Add buffer zone language to clarify the establishment of local buffer zones regardless of corporate boundary location of the wetland
3. Commission Education- Messers Luck, Rabbit ,Kennedy and Marro will be attending the MACC Conference this coming weekend.
4. Storm Water By-Law
5. Annual Report (Due February)- annual report was submitted and copies given to the commission.

**Committee Reports – FY 17 Budget**

**Notices & Communications**

**Meeting Schedule-** Next meeting for March 16, 2016 at 6:30 PM In the Ritter Memorial Administration Building.

**Public Comment For Meeting Close.** The meeting adjourned at 1015 PM

**Adjournment**